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FEB 26 2010

Edgewater Broadcasting, Inc.
P. O. Box 5725
Twin Falls, ID 83303

In Re: W262BN, Lorain, OH
Facility ID # 154527
BPFT-20091116ADB
BMPFT-20091229AER

Petition for Reconsideration

Dear Applicant:

The staff has under consideration: (1) the Petition for Reconsideration of the grant of BPFT-20091116ADB filed by Media-Com, Inc. on December 15, 2009; (2) the above-captioned modification application BMPFT-20091229AER proposing a major channel change; (3) and all related pleadings. For the reasons set forth herein, we grant the Petition for Reconsideration, rescind the grant of BPFT-20091116ADB and dismiss BPFT-20091116ADB and BMPFT-20091229AER.

In its Petition, Media-Com, Inc. purports that the proposed translator will cause interference to WNIR(FM), Kent, Ohio on Channel 261. In order to provide convincing evidence under Section 74.1204(f) that grant of the translator construction permit "will result in interference to the reception" of an existing full-service station, an opponent must provide, at a minimum: (1) the name and specific address of each listener for which it claims credit; (2) some demonstration that the address of each purported listener falls within the 60 dB μ contour of the proposed translator station;¹ (3) some evidence, such as a declaration from each of the claimed listeners, that the person listens to the full-service station at the specified location; and (4) evidence that grant of the authorization will result in interference to the reception of the "desired" station at that location. The "undesired-to-desired" ("U/D") signal strength ratio methodology may be used to demonstrate the potential for interference under Section 74.1204(f).² Section 74.1204(f) requires the objector to show that a specific U/D signal strength ratio is exceeded at the location of a *bona fide* listener of the desired station to establish that interference will result. The petitioner has demonstrated that it has listeners within the 60 dB μ of the proposed translator station and that grant of the translator will result in interference to those listeners. Accordingly, we will grant the Petition for Reconsideration, rescind the grant and dismiss the application BPFT-20091116ADB.

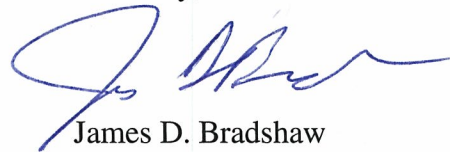
¹ The best method is to plot the specific addresses on a map depicting the translator station's 60 dB μ contour.

² See *The Association for Community Education, Inc.*, FCC 04-155, Para. 13, (rel. July 8, 2004).

Edgewater Broadcasting, Inc. filed an application, BMPFT-20091229AER, to resolve the possible interference with WNIR(FM). The application proposes to change the channel from 262 to 256 and requests a waiver of Section 74.1233(a)(1). Specifically, the Section states that “a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels”. The applicant has not demonstrated that this waiver is unique and compelling. When an applicant seeks waiver of the rules, it must plead with particularity the facts and circumstances which warrant such action. *Columbia Communications Corp. v. FCC*, 832 F.2d 139, 192 (D.C. Cir. 1987), quoting *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F. 2d 644, 666 (D.C. Cir 1968 (per curiam)). We have afforded Edgewater Broadcasting, Inc.’s waiver request the “hard look” called for under *WAIT Radio v. FCC*, 418 F. 2d 1153 (D.C. Cir. 1969), but find that the facts and circumstances presented are not sufficient to warrant waiver of 47 CFR Section 74.1233(a)(1). Nor has Edgewater Broadcasting, Inc. cited other similar situations where the Commission has waived Section 74.1233(a)(1) based on interference potentially caused by an unbuilt translator construction permit. Accordingly, we will deny the waiver request and dismiss the BMPFT-20091229AER.

Accordingly, the Petition for Reconsideration filed on December 15, 2009 by Media-Com, Inc. IS HEREBY GRANTED. Furthermore, the grant of application BPFT-20091116ADB IS HEREBY RESCINDED and BPFT-20091116ADB and BMPFT-20091229AER ARE HEREBY DISMISSED. These actions is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Frank Jazzo